



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,457	06/05/2001	Stephen C. O'Neal	MSFT4947.2	5814

321 7590 06/23/2004

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER

HOOSAIN, ALLAN

ART UNIT PAPER NUMBER

2645

DATE MAILED: 06/23/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,457

Applicant(s)

O'NEAL, STEPHEN C. 

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 42-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over **LaPorta et al.** (US 6,014,429) in view of **Bartholomew et al.** (US 6,215,858).

As to Claims 42,50-59, with respect to Figures 1-3, **LaPorta** teaches an apparatus for permitting Thomas (a user) to send a broadcast message via a messaging network (a sending device) to Mary 60 (a first recipient) and Paul (a second recipient), the messaging network (sending device) either addressable over a data network, Figure 1, labels 26,27, or addressable over a telephone network connected to the data network, Figure 1, labels 26, 16, 22, the first recipient having a computer 27 (first receiving device) addressable over the data network and the second recipient having a telephone 22 (second receiving device) addressable over the telephone network, the apparatus comprising:

filtering/forwarding (a message router) configured to receive the broadcast message from the sending device over the data network if the sending device is addressable over the data network and over the telephone network via the data network connected to the telephone network if the sending device is addressable over the telephone network (Col. 5, line 62 through Col. 6,

Art Unit: 2645

line 4), the message router configured to translate the received broadcast message into an e-mail (translated first broadcast message) and a voice message (translated second broadcast message), the translated first broadcast message being in a format compatible with the first receiving device for delivery to the first receiving device over the data network (Figure 2, labels 26,27), the translated second broadcast message being in a format compatible with the second receiving device, for delivery to the second receiving device over the telephone network via the data network, the message router configured for routing the translated first broadcast message to the first receiving device over the data network and (Figure 2, labels 16,22 and Col. 6, lines 1-4);

LaPorta does not teach the following limitation:

“a message router”

However, it is obvious that **LaPorta** suggests the limitations. This is because **LaPorta** teaches transmitting e-mail messages over a data network (Figure 2). **Bartholomew** teaches an Intelligent Peripheral 535 which routes messages over the Internet (a data network) or the PSTN (Figure 13). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add router capability to **LaPorta's** invention for connecting data networks as taught by **Bartholomew's** invention in order to provide message delivery services.

As to Claims 43-49, **LaPorta** teaches the apparatus as recited in claim 42, wherein:

LaPorta does not teach the following limitation:

“the broadcast message is originated in voice form”

However, it is obvious that **LaPorta** suggests the limitations. This is because **LaPorta** teaches making telephone calls and receiving telephone call replies (Col. 6, lines 3-5).

Bartholomew teaches receiving voice messages for delivery in different formats (Col. 37, lines 43-56). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voice message capability to **LaPorta's** invention for receiving voice messages as taught by **Bartholomew's** invention in order to provide message delivery services.

As to Claims 60-69, with respect to Figures 1-3, **LaPorta** teaches a method for permitting Thomas (a user) to send a broadcast message via a messaging network (a sending device) to Mary (a first recipient) and Paul (a second recipient), the sending device either addressable over a data network or addressable over a telephonic network connected to the data network (Figure 1), the first recipient having a first receiving device addressable over the data network and the second recipient having a second receiving device addressable over the telephone network (Figures 1-2), the method comprising:

receiving the broadcast message from the sending device over the data network if the sending device is addressable over the data network and over the telephone network via the data network if the sending device is addressable over the telephone network (Figure 3);

translating the received broadcast message into a translated first broadcast message and a translated second broadcast message, the translated first broadcast message being in a format compatible with the first receiving device for delivery to the first receiving device over the data network, the translated second broadcast message being in a format compatible with the second

receiving device for delivery to the second receiving device over the telephone network via the data network(Figure 3);

routing the translated first broadcast message to the first receiving device over the data network; and

routing the translated second broadcast message to the second receiving device over the telephone network via the data network (Figures 1,3);

LaPorta does not teach the following limitation:

“routing”

However, it is obvious that **LaPorta** suggests the limitation. This is because **LaPorta** teaches transmitting e-mail messages over a data network (Figure 2). **Bartholomew** teaches an Intelligent Peripheral 535 which routes messages over the Internet (a data network) or the PSTN (Figure 13). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add router capability to **LaPorta**’s invention for connecting data networks as taught by **Bartholomew**’s invention in order to provide message delivery services.

Response to Arguments

4. Applicant's arguments with respect to claims 42-69 have been considered but are moot in view of the new ground(s) of rejection.

Examiner respectfully invites Applicant to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Art Unit: 2645

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lim (US 6,360,256) teaches a service monitor which broadcasts messages to different addresses.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Allan Hoosain
Allan Hoosain
Primary Examiner
6/16/04